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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO.       |
|--|-------------|----------------------|----------------------------------|------------------------|
| 10/028,781   | 12/28/2001  | Siavash Fallahi      | 1875.1270001/JTH/BAM             | 6416                   |
| 28393 7590 01/10/2008<br>STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.<br>1100 NEW YORK AVE., N.W.<br>WASHINGTON, DC 20005 |             |                      | EXAMINER<br>BRINEY III, WALTER F |                        |
|  |             |                      | ART UNIT<br>2615                 | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>01/10/2008          | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/028,781

Applicant(s)

FALLAHI ET AL.

Examiner

Walter F. Briney III

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-33 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11, 12, 14 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 4-10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 October 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-3, 11-12, 14 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,535,983 (filed 8 November 1999) (herein *McCormack*) in view of US Patent 5,886,925 (filed 18 June 1997) (herein *Campardo*) and further in view of US Patent 6,018,263 (filed 4 August 1997) (herein *Tihanyi*).**

**Claim 1** is limited to "a communications device." The rejection of claim 1 filed 13 July 2006 is incorporated herein by reference. Non-Final Rejection at 2-3 (13 July 2006) (which incorporates by reference Final Rejection at 2-3 (04 January 2006)) (note that the rejection in Final Rejection at 2-3 (06 April 2007) is not incorporated since it deals with limitations that applicant has instantly cancelled). Applicant has added two limitations to claim 1. The first

limitation requires that the relay include native devices. This limitation was already treated apropos claim 2 since claim 2 requires that the relay include a native FET. Accordingly, the rejection of claim 2 filed 04 January 2006 is incorporated herein by reference. Final Rejection at 5-6 (04 January 2006). The second limitation requires that gates of said native devices are grounded when power is applied to said relay, the grounding thereby opening said relay. This limitation has not previously been treated apropos claim 1 or the dependents of claim 1. The examiner notes that neither *McCormack* nor *Campardo* discloses grounding a gate of a relay. Because the cited prior art does not disclose grounding a gate or a relay, the cited prior art fails to disclose all elements of the claim. However, the prior art teaches grounding the gate of a FET relay, to wit, *Tihanyi* teaches a trigger circuit for a FET-controlled power semiconductor component. *Tihanyi* at Abstract, fig.1. The trigger circuit of *Tihanyi* advantageously opens semiconductor component 9 by grounding, via transistor 7, the gate of semiconductor component 9 during overcurrent and overheating events by transmitting a signal (i.e. power) to transistor 7. *Id.* at col. 1 ll. 65-67, col. 2 ll. 1-8, col. 3 ll. 22-48. Considering transistor 7 and component 9 as a relay, thus, power applied to relay transistor 7 causes the gate of relay component 9 to be grounded. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the diodes of *McCormack* to include the circuitry taught by *Tihanyi* to handle overcurrent and overheating.

**Claims 2-3, 11-12, 14 and 34-36** are rejected for the same reasons presented above apropos the rejection of claim 1 as well as the respective reasons set forth in the Non-Final Rejection filed 13 July 2006 and incorporated herein by reference.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

**2. Claims 15-33 are allowed.**

**Claims 15-33** are allowable over the cited prior art for the reasons set forth in the Non-Final Rejection filed 13 July 2006 and incorporated herein by reference.

**3. Claims 4-10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Claims 4-10 and 13** are allowable over the cited prior art for the reasons set forth in the Final Rejection filed 04 January 2006.

***Response to Arguments***

Applicant's arguments filed 12 January 2007 have been fully considered but they are moot in view of new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

Application/Control Number:  
10/028,781  
Art Unit: 2615

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

/wfb/  
1/7/08